

REMARKS/ARGUMENTS

Reconsideration of the above-identified application is respectfully requested.

In the Final Office Action dated January 29, 2007, claims 1 and 3-29 are pending.

Claims 1 and 3-14 are elected for further examination and are rejected.

Claims 1 and 3-14 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.

Claims 1, 3-12 and 14 are rejected under 35 U.S.C. § 102(b) as being anticipated by Zhong et al.

Claims 1, 12 and 14 are rejected under 35 U.S.C. § 102(a) as being anticipated by GenBank Accession Nos. AL929535.

Claims 1, 12 and 14 are rejected under 35 U.S.C. § 102(a) as being anticipated by GenBank Accession Nos. AC139623.

Claim 1 is rejected under 35 U.S.C. § 102(a) as being anticipated by GenBank Accession No. BX240588.

In response to the rejections, Applicants filed an amendment on April 17, 2007, in which claims 1, 5-7, 10 and 11 were amended to further clarify the claimed invention, and claims 3, 4, 8 and 9 were cancelled. No new matter has been introduced.

On May 11, 2007, an advisory action was mailed to Applicants, in which the Examiner indicated that Applicants' Amendment after Final filed on April 17, 2007, was entered, and in view of the amendment, the rejections of claims 1, 5-7, 10-12 and 14 under 35 U.S.C. § 102(b) as being anticipated by Zhong et al., the rejections of claims 1, 12, and 14 under 35 U.S.C. § 102(a) as being anticipated by GenBank Accession No. AL929535 (Tracey), the rejections of claims 1, 12 and 14 under 35 U.S.C. § 102(a) as

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being anticipated by GenBank Accession No. AC139623 (Akhter), and the rejections of claim 1 under 35 U.S.C. 102(a) being anticipated by GenBank Accession No. BX240588 (Humphray et al.) are withdrawn.

However, the Examiner further indicated that the rejections of claims 1, 5-7, and 10-14 under 35 U.S.C. 112, first paragraph (written description) are maintained. Especially, the Examiner indicated that “although the claimed expression control sequence from a zebrafish now comprises the binding sites of HFH(1), HFH(2), HNF-1 α , and HNF-3 β (SEQ ID NOs: 4-7, respectively), the claim does not put any limitation on the order or arrangement of the four binding site sequences within the claimed isolated polynucleotide from a zebrafish. The claim does not put any limitation of the size of the isolated polynucleotide that would be a liver specific expression control sequence and therefore the claimed isolated polynucleotide encompasses a very large genus of polynucleotides comprising a liver-specific expression control sequence in which the binding sites can be in any order or at any distance from one another.”

In review of the advisory action, Applicants decide to file an RCE to further amend the claims and to add new claims.

In addition to claims 3-4, and 8-9, claim 1 is canceled. New claims 30-36 are added.

New claim 30 is added to replace the original claim 1, and has further added the order of HFH(1), HFH(2), HNF-1 α , and HNF-3 β binding sites in the liver-specific expression control sequence to the claims, which is fully supported by the specification on pages 39-40, and Figures 11-13.

Claim 31 is added to further claim the size of the liver-specific expression control

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sequence (*i.e.*, at least 435 bps) and the location of the liver-specific expression control sequence (*i.e.*, from an upstream region of a gene encoding a zebrafish L-FABP), which is fully support throughout the specification, in SEQ ID NO:1, and by the original claim 7.

New claim 32 is an independent claim which claims the 435 bps of the liver-specific expression control sequence as in SEQ ID NO:1. New claims 33-36 are dependent claims of claim 32 and are fully supported by the original claims 3, 7, and 10-11. No new matter has been introduced.

Applicants respectfully submit that the amendments have overcome the rejections as indicated in the Advisory Action.

In view of the foregoing remarks, favorable reconsideration of all pending claims is requested. Applicants respectfully submit that this application is in condition for allowance and request that a notice of allowance be issued. Should the Examiner believe that anything further is required to expedite the prosecution of this application or further clarify the issues, the Examiner is requested to contact Applicants' attorney at the telephone number listed below.

Respectfully submitted,

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